

Resolution re. Retirement of Foreigners in Service.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I move the following resolution:

"This Council recommends to the Government that all foreigners in the service of the State who have completed either 25 years of service or 55 years of age be retired and that natives of the country be appointed in their places."

I wish it to be distinctly understood that I am moving this resolution not in any spirit of hostility towards those foreigners who have been entertained in our service. I recognise that several of these gentlemen have come into our service owing to reasons beyond the control of themselves and perhaps also of Government. But what I beg to submit is that, in view of the altered conditions existing in Travancore today, it has become necessary to substitute local agency for these people. Our colleges have been turning out year after year a large number of graduates both in arts and science as well as in the learned professions, and there is no opening for this large number of people. Therefore, it has become necessary to create as many places as are possible in the service of this country. It is in that view that I say if there are foreigners in the country in the service—and from the statistics supplied to this Council by certain Departments the Council will see that there are still a large number of foreigners in the different Departments in order to give room for the growing number of the graduates of the country,—I suggest that those outsiders who have completed 25 years of service or reached the 55th year of their age be retired. Of course, the latter clause is not now necessary. Because it has been declared by the Government that the officers who have completed their 55th year of age will be asked to compulsorily retire. Therefore I would suggest that those gentlemen who have earned their pension by putting in 25 years' of service be compulsorily retired and their places be filled up by graduates from Travancore. Now, I do not want to blame anybody or to throw the responsibility upon anybody for the existence of these gentlemen in our service. All that I say is that, in the interests of the country and in the interests of the people, as a matter of providing employment for the growing number of graduates in our country, these gentlemen be retired if they have earned their pension and that their places be filled by educated men from Travancore itself.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I beg to second the resolution.

MR. A. HOOGWERF (*Nominated*): Sir, I am sorry I have to oppose the resolution. I had made up my mind not to say a word in this Council during these next few days from yesterday onwards. I think it would not be fair to my conscience and to the country if I sit silent on this important question. The policy pursued by the Dewans who have come from outside and also the acts of favouritism, nepotism etc., practised by certain Heads of Departments and others belonging to a particular community and want of sympathy on the

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part of the members of that community to the aspirations of the sons of the soil are the causes that have contributed to this resolution coming up before this Council. I should first ask "Why should Indian foreigners alone be excluded from this resolution? Why not Europeans?"

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): No, my resolution is with respect to all foreigners.

MR. A. HOOGEWERF (*Nominated*): I beg your pardon. I must state at the very outset that it is very unfair to these people who have come from outside that they should be treated in a different way from those who have taken service in the country itself, I mean the sons of the soil. They were entertained in the public service on the clear understanding that they would enjoy the same privileges and the same rights as those of the sons of the soil. Probably we might have had to requisition their services from outside. I ask now, is it fair that when they come to the end of their tether they should be asked to quit or be laid on the shelf? It is absolutely an unfair treatment. I should think that there are men who have come from outside, who are an acquisition to the State and whose services we did require in the past. But as was very clearly stated by Mr. Paramesvaran Pillai, the country now is able to have its own sons to take up the place just as well as or even better than those who have come from outside, from the highest to the lowest, from the Dewan-ship right down to any place in the service, and I am in sympathy with the resolution, if it restricts the importation of outsiders as much as possible in the future. Because, charity commences at home. We are very much advanced in education. We are turning out every year very many graduates and we are going to have a University. But we as Indians are aspiring to be a real nation. Now Travancore is part of India. We cannot build Chinese walls across our borders, and cannot block up the Arienkavu tunnel or Aramboly pass. We should not shut ourselves up in water-tight compartments, because we have to see the other side of the ghats also. Our sons and our daughters having no place here have to go in search of fresh fields and pastures new. My own son and daughter have taken up service in British India and the sons and daughters of many of the members of this House may have to do likewise. British India is too big a place, and British Government is too large-hearted and too generous to retaliate, but all the same, there will be the spirit of retaliation at the back of the Heads of Departments and others in British service and when we go there, they might ask "Who are you? A Travancorean? Then go back to Travancore". That will be the spirit. Though they may not express it, yet the feeling will be there; so, for the sake of self-interest itself, we have to guard against such a feeling towards us. It smacks of parochial patriotism and I am sorry my friend Mr. Paramesvaran Pillai should have brought forward this resolution. I was surprised to see his name against the resolution. I am sorry I have to cross swords with him because he is my friend, and for him I have the highest admiration as the foremost

son of the soil of Travancore, the truest patriot of Travancore and I am sorry that such a resolution has been brought forward by him on the score of economy or some such grounds. When we lay an officer on the shelf after 25 years of service I think we are losing. We are paying him half of his pay for nothing at all just as an officer who serves after the 55th year of his age or 25 years' service serves only for half pay. So, on the financial point of view also, I think it is not at all a desirable thing to adopt this resolution. With these few words, I oppose the resolution, and I hope I shall not be misunderstood.

MR. K. GEORGE (*Financial Secretary to Government*): Sir, I would not have raised any serious objection to this resolution of Mr. K. Paramesvaran Pillai if all that Mr. Paramesvaran Pillai wanted was an assurance from Government that foreigners would not be entertained in the public service when Travancoreans with the necessary qualifications were available for the posts, or if what Mr. Paramesvaran Pillai wanted was only that all foreigners who have reached the age of 55 should be retired. But what he requires is something else. He wants foreigners to be compulsorily retired when they have put in a service of 25 years. He takes two classes of officers, *viz.*, those who attain the 55th year of age and those who have put in 25 years of service, and these two classes he puts in the same category. I believe this is due to a misunderstanding. At present, according to the Travancore Service Regulations, all superior officers who have put in a service of 25 years can, if they want, retire from service voluntarily. There is no rule which permits the Government to summarily retire officers when they have put in 25 years' service. The power of compulsory retirement vests with the Government only in two cases. They are these: in the case of a man who is superannuated, that is who has attained 55 years of age, the Government can order his retirement. The Government can also compulsorily retire a man, if it is proved by a competent medical authority that he is not physically fit to carry on his work. But Government have no power to compulsorily retire an officer if he is efficient. No doubt, Government can in virtue of their inherent executive power compulsorily retire an officer on adequate reasons, for instance, for inefficiency or for grave misconduct. But to retire an officer who is capable of doing good service without any fault on his part is certainly not permitted by the rules. I am sure the House will agree that it will be a high-handed use of the executive power if the Government were summarily to discharge an officer for no fault of his, when he could on his own account remain in service till he reaches his 55th year. Further, that would mean that Government cannot be depended upon. There will be a feeling of insecurity if the Government were to exercise their powers in this high-handed manner. I believe there is also a further misunderstanding on the subject. It has been said by Mr. Hoogewerf that an officer who has put in 25 years of service gets half pay as pension. That he does not. He gets as his pension half of his average emoluments for the last three years of his service, so that he does not get the full benefit of half-pay pension.

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MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): What was the case in Mysore in regard to foreigners? Were they disbanded after the completion of 25 years' of service?

MR. K. GEORGE (*Financial Secretary to Government*): Certainly not. Those who had come under covenanted service might have been sent away after the covenanted period was over. There was not a single instance in which a foreigner was retired because he had completed 25 years' of service. I know the matter personally, for I have got my brother there. He has put in more than 25 years' service. So far as I know, nobody has suggested that he should go away from service. Then again, Mr. Paramesvaran Pillai's proposal cannot be justified on moral grounds. We cannot justify ourselves morally. We can no doubt discriminate against foreigners at the initial stage of recruitment. As a matter of fact, we are doing that. Our rule says that no person who is not a subject of His Highness the Maha Raja of Travancore shall be appointed to the public service.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Does he remember that there is another clause following that?

MR. K. GEORGE (*Financial Secretary to Government*): I am coming to that. Article 40 A runs thus:—

"The term, 'subject of His Highness the Maha Raja', in Article 40, means and includes:—

(i) Every person who is born in Travancore, owes political allegiance to His Highness the Maha Raja and is completely under the protection of, and subject to the liabilities imposed by, the laws of the State."

That is, they are born subjects of His Highness the Maha Raja.

(ii) Any person who may have been owing political allegiance to the Sovereign of any other State, but who is domiciled in Travancore."

'Domicile' is explained as follows:—

"That place is properly the domicile of a person in which he has voluntarily fixed the habitation of himself and his family, not for a mere special and temporary purpose, but with a permanent intention of making it his permanent home unless and until something which is unexpected or uncertain shall occur to induce him to adopt some other permanent home."

That is our present rule. It includes two classes of persons, those who are born subjects of His Highness the Maha Raja and those who are domiciled in Travancore. No doubt, I admit that the present definition of "domicile" is rather unsatisfactory, because any alien who wants to enter public service here has only to make a declaration that he proposes to live in Travancore and make it his permanent home, and then the appointing authority can be satisfied with his declaration, and he can be appointed. But I may tell the House that the Government have already taken steps to remedy this defect, and it has been decided by the Government that there should be a previous residence of 5 years and that the man should have made Travancore his permanent home

for these five years and also declare that he intends to make Travancore his permanent home. That is the rule in Mysore also, and we have recently ordered that the rule should be adopted here.

Mr. J. JOHN NIDIRY (*Changanachery cum Minachil*): May I know the number of exceptions to this rule during the last three years?

Mr. K. GEORGE (*Financial Secretary to Government*): To which rule?

Mr. J. JOHN NIDIRY (*Changanachery cum Minachil*): To the rule that foreigners should not be appointed.

Mr. K. GEORGE (*Financial Secretary to Government*): I am not sure. Government have recently issued a circular to find out the number of foreigners and the statistics have been ordered to be collected. Full information, so far as I know, has not been obtained. When the rule is amended, the present objection to the rule with regard to domicile will vanish.

As I said, it is at the initial stage of recruitment that we should make the differentiation and not afterwards. Once a foreigner is admitted into the service, he must have the same rights and privileges as a son of the soil; otherwise, all the reputation that we possess for justice and fair dealing would disappear.

There is also perhaps an erroneous impression that all the foreigners who came into Travancore came on their own application. That is not a fact. I know personally that there are several instances of persons who have been appointed in the Travancore service for special reasons. In my own office, there are some who were invited when there was no local officer competent to carry on the work on the new system introduced by Mr. Subbraya Aiyar. Therefore Government brought down certain persons from Madras who had knowledge of the system. Now, everybody will admit that such an officer should not be penalised simply because he came to Travancore and took service here. Even granting that the men came on their own application, it would be unjustifiable altogether to discharge them when they have not put in their full period of service. When they came, even though they applied for the post, there was no restriction against entertainment of foreigners, and there was absolutely no distinction between one class of officers and another. If you make such a discrimination, it will, I am sure, be regarded as tyrannical and unjust and it will not redound to our credit in the eyes of the outside world.

We must, however, view the question from another standpoint also. I say that we must consider what will happen to these officers who have put in 25 years' of service. No doubt, my friend Mr. Changanachery Paramesvaran Pillai might say that it is none of our business to consider that question. But I should think that Government should not disclaim its responsibility on that point. Ordinarily, a person enters the service when he is young, usually he would be about 21, and after 25 years of service he would only be about 46; and to retire an officer at

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that age will be inflicting a very serious hardship upon him. It is just at that time that he has more demands on him than later or even earlier and it is at an age when he cannot secure any further employment ordinarily. He will have, therefore, to depend entirely on his pension. At that age he will have a growing family and he will have to provide them with food, to clothe them, to educate them, to marry them and to make provision for them. It would be very hard if at such an age an officer is cast adrift on society with nothing to fall back upon except his small pension. He is at that stage quite strong and healthy and capable of doing efficient work, and to throw such a useful officer away is certainly a very unjust proceeding.

Then what about his own legitimate hopes and aspirations? We know that in Travancore officers usually rise to the higher ranks of the public service only after they attain a higher age than 45. Are we not to consider that? It affects his pension also. If he goes after the usual period of retirement, namely, when he is 55 years of age, he would have risen to as high a post as he can legitimately hope to reach and earned a better pension also. Therefore I think that we ought to consider the condition of these unfortunate officers whom it is proposed to throw out.

I have a further reason also for opposing this motion, and that has been touched upon by my friend Mr. Hoogewerf. I say that it is not expedient. Not only is it unfair but it is also inexpedient. It will not be in the wider interests of Travancore to antagonise our neighbours by any ill-treatment of the persons who come from the neighbouring districts. No one can have any quarrel with us if we limit our services to our own people. Travancore is a small State and no one will misunderstand us if our services are confined to Travancoreans. But this is altogether a different proposition. What is proposed is not merely to limit the services to Travancoreans but to treat all those who have already entered the service on a different footing from those sons of the soil who are in the service. If we take such a step, certainly it will only be natural that people on the other side of the ghats who have come into Travancore to take service, or who have sent their sons to Travancore to take service in Travancore will deeply resent our action. As I said, it will irretrievably ruin our reputation for justice and fair dealing. It is well known that the Travancore service does not provide sufficient employment for the sons of the soil, and it is also well known that a large number of Travancoreans have taken service in British India. There are, as we all know, Travancoreans occupying very high positions in the various superior services of British India. There are officers in the Indian Civil Service, in the Indian Educational Service, in the Indian Forest Service; there are officers again in the Provincial Civil Service as well as in the Provincial Forest Service and there are also officers in the Medical Service and Engineering Service. There are so many persons from Travancore, who are born subjects of His

Highness the Maha Raja of Travancore, who are now enjoying high places in the British service and also in the service of one or two Native States. That, being so, is it not natural for them to expect that we will treat the persons of those countries fairly? I do not mean that we should import foreigners into our service when we have Travancoreans available for our work. But if we discriminate between the foreigners and the sons of the soil who are already in service, it would create a bad impression in British India and it is possible that the present avenue of employment which is open to our brilliant young men outside Travancore will be closed. That certainly would be disastrous to ourselves. Again suppose they go one step further and decide to retaliate and send out the officers who are there as soon as they have completed 25 years' of service. If such a thing is done, we would be the first to cry out that an inequity has been perpetrated and there will be strong protest against the other Governments. I say, for all these reasons, that we should not adopt this resolution.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): May I know whether the number of Travancoreans in service outside Travancore will be more than the number of foreigners in service in Travancore?

MR. K. GEORGE (*Financial Secretary to Government*): Oh, yes. I think it will be far more and I believe it will be so in the future also. If the avenue in British India is not closed, I believe that Travancoreans may get into the All-India Services even, and not merely into subordinate and provincial services. It will be disastrous if that important and attractive source of employment for our young men is closed to them. Viewing from all these standpoints, I am sure that this House would agree with me that the resolution should not be accepted at all. As I said, I do not mean that foreigners should be imported into the Travancore service. On the other hand, we should restrict the entertainment of foreigners and there are the necessary rules for that. The defects in the rules are being removed. That being so, I do not think that anything further need be done, and if we accept this resolution, it would cause great irritation and it will be disastrous to ourselves. For these reasons, I oppose the resolution.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Mr. Hoogewerf who is a forcible and straightforward speaker found himself in a serious dilemma when he thought of making up his mind to oppose the resolution. One of the reasons that weighed with him was that the resolution was moved by my friend Mr. Changanachery Paramesvaran Pillai. I am glad, Sir, that I am able to take quite a dispassionate view of the matter, quite apart from the considerations of the gentleman who moved the resolution. I oppose the motion which has been moved by Mr. Paramesvaran Pillai. And I should have opposed this motion even if it had been moved by Mr. Hoogewerf himself. I am taking an attitude, Sir, which has perhaps the effect of

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inviting severe diatribes against me. But, all the same, the feeling that the interests of Travancore are paramount and that Travancore should not stultify itself in the eyes of other nations compels me to take a strong attitude against the resolution. I cannot understand the mentality with which some persons talk of justice and toleration and equality and cosmopolitanism in certain matters while taking their stand on narrowness, meanness, bigotry and vindictiveness in other matters. I have very often expressed my emphatic opinion in this House—I may say, Sir, not only in this House but in other platforms as well—that ordinarily the Travancorean alone should be appointed to posts high or low in the Travancore service. But we cannot afford to have a hard and fast rule. Even if the rule is to be confined to future appointments, there may be difficulties. We want a European Judge in the High Court. We want a European as head of the military forces, and I am one of those old-fashioned men, and I am glad in that matter that even some people who are in favour of the resolution have already seen eye to eye with me, that in the Education Department, for example, we may have to appoint a small number of Europeans. If this rigorous resolution is passed, that would be impossible.

The chief objection, to my mind, against the acceptance of the resolution is that, if we accept it in a narrow spirit and in an unjust manner, Travancore will lose its reputation for sobriety of judgment. There are people who welcome this kind of agitation. But let us look at the opposite side of the line. Mr. George told us that there are various persons who belong to Travancore and who are employed in British India and the other Indian States. The pay disbursed to all these Travancoreans in foreign service taken together will be far more than the pay of all foreigners in the Travancore service taken together. There is another aspect of the question. Young men enter our service hoping that they will be able to work their way up and do service to humanity. I am unwilling to mention names. I am only speaking of people who come from outside Travancore. There is now a kind of reciprocity between the different States. That is just the reason why we have our countrymen like Messrs. K. Chandy, Krishnan Pandalai, Engineer Paramesvaran Pillai and a number of others in foreign service. If, Sir, in response to this kind of agitation, British India and other Native States think of retaliation, how can we view that with equanimity? All of us would then stand up and say that either the Mysore Government, or the Hyderabad Government or the Madras Government should not have done that act of gross injustice. Why should we forget this kind of responsiveness on the part of others? Those who live in glass houses should not throw stones. This is not the first time that I am making this statement. When a similar matter was taken up with regard to the appointment of Travancoreans only as Dewans, I said the same thing. It has been stated by Mr. Kumaran, for example, that there are brilliant men from Travancore who are occupying high-paid positions in British India and other Native States. Suppose the people of India

begin to retaliate upon Travancore and say that they are not going to have Travancoreans in their service. That will be a very serious matter. This view is shared by very many people. Why is the foreigner who is now in service to suffer? For the simple reason that we have suddenly made up our mind to send him away? However much we may view this question in a vindictive spirit, we shall not be able to shake ourselves from all that the foreigners did in Travancore. Very many foreigners have worked here for the good of the country. They have drawn their pay. Whatever may be our capacity to do things for the future we shall not be able to shake ourselves from the past. We are enjoying the advantages that have been conferred upon the country by them; and on the other hand they and their successors are enjoying the money received by them for legitimately serving this State. I think, Sir, that we ought not to indulge in this kind of thought or talk. Sometimes passions may be high and prejudices may be rampant. I can remember that, at the time of the great European War, in spite of the fact that for centuries and centuries St. Petersburg was the name given to the capital of Russia, the name was changed into Petrograd out of animosity to the German term. But there is the same city, and there are the same steeples, the same churches and the same schools and the same palaces. I think there is not much substance in this kind of agitation. I can very well understand the position that when there are people qualified for high posts and low posts in Travancore we should not import people from outside except under very exceptional circumstances.

MR. T. KUMARA PILLAI (*Eranjel cum Vilavankod*): അതെങ്ങിനെയാണ് അറിയുന്നത്? ഈ നാട്ടിലെ വലിയ സ്ഥാനമായ ദിവാൻജിയായി ഈ നാട്ടുകാരനെ നിയമിക്കണമെന്നുവെച്ചാൽ അതിനർഹനായ ഒരാൾ ഇവിടെയുണ്ടെന്നറിയുന്നതെങ്ങിനെയാണ്?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): ആത്മ അറിയുന്നതിനെപ്പറ്റി?

MR. T. KUMARA PILLAI (*Eranjel cum Vilavankod*): തിരുമനസ്സുകൊണ്ടും ആളുകളും.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): ഒരു ചോദ്യം കൂടി. അതായത് ഇന്ന് ഒരു വ. ര. ര. രൂപാ ശമ്പളത്തിൽ ഇരിക്കുന്നയാളാണ് അദ്ദേഹം. ദിവാൻജിയുദ്യോഗത്തിൽ സർവ്വമാ യോഗ്യനാണ്. എന്നാൽ അദ്ദേഹത്തിനടുത്ത സ്ഥാനത്തിനടുത്ത സ്ഥാനത്തിലെത്തുന്നതിനും എത്തിക്കുന്നതിനും സാധിക്കാതെ വരുന്നു. അതിന് എന്താണ് സമാധാനം?

MR. T. KUMARA PILLAI (*Eranjel cum Vilavankod*): ഈ വിചാരത്തോടുകൂടി ഇത്ര കാലം ഇരുന്നതുകൊണ്ടാണ് ഈ വിഷമം വന്നിട്ടുള്ളതെന്നു മിസ്റ്റർ വേലുപ്പിള്ളയ്ക്കറിയാമോ?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): മനസ്സിലായില്ല.

[Mr. T. Kumara Pillai.]

MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): ഗവർണ്മെൻ്റ് അതിനു സ്വാതന്ത്ര്യം വിട്ടുകൊടുക്കേണ്ടതാണെന്നു മിസ്റ്റർ വേലുപിള്ള പറയുന്നു. ഈ മാതിരി പുണ്യവിശ്വാസത്തോടുകൂടി ജനങ്ങൾ ഇരുന്നതിൻ്റെ ഫലമായിട്ടാണ് ഇന്ന് ഈ നാട്ടിൽനിന്നും വലിയ സ്ഥാനത്തിൻ്റെ ആളുകൾ കിട്ടാതെ വന്നിട്ടുള്ളതെന്നു മിസ്റ്റർ വേലുപിള്ളയ്ക്കറിയാമോ?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): My answer is that, in modern days when there is widespread education, when there are respectable journals conducted by respectable people, and when even the newspapers outside the land are prepared to discuss Travancore problems, any man, be he high or low, who wants to find out the fitness of a Travancorean should ordinarily be able to do so.

MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): നല്ല കാര്യശേഷിയുള്ള ഉദ്യോഗസ്ഥന്മാർ താഴ്ന്ന ശമ്പളത്തിലുണ്ടെന്നു ഉരുതറിയാമോ?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Such things are common to all countries. Travancore is not the only place where very able men are occupying very low positions. After all, Sir, various considerations prevail at the time of appointment—capacity, character and above all, good blood.

KHAN SAHIB M. K. KHADIR PILLAI (*Nominated*): Mr. Kumara Pillai put a question to Mr. Velu Pillai in Malayalam and Mr. Velu Pillai knows Malayalam. I wish to know whether he should not answer him in Malayalam also.

PRESIDENT: He need not reply in Malayalam as he always talks in English.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir; the point raised by Mr. Kumara Pillai has no terrors for me. You cannot but vest some discretion in the Government, whether it is an absolutely bureaucratic Government or a democratic Government. The Government ought to be given some amount of discretion, and appointments are always a matter of discretion. But I can very well understand the rule that ordinarily—

MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): Let me put another question.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Let me finish the sentence. I said that I can very well understand the rule that ordinarily foreigners should not be appointed to posts in the Travancore service.

MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): അതാണെന്ന് പറി വല്ല പ്രതിഷേധങ്ങളും നടത്തിട്ടുണ്ടോ?

MR. T. K. VELU PILLAI (*Tricandrum cum Nedumangad*): If the Government is bad I can understand an agitation to improve it. But the Government, whether broad-based on the people's will or supported solely by military authority, must have the power to do what is necessary. If the general question of appointment to a particular post is being discussed in the Council, we can understand the kind of feeling which will be generated. The Council can only lay down general principles and the general principle that may be laid down in regard to this question is that in the future except under exceptional circumstances no foreigner should be appointed to any post in the Government service. But to argue by extension of that principle that all those who are in service at present should be ruthlessly sent away, that will be an insult to the whole country. That would give an opportunity for the people outside to jeer at us. An officer in our service ordinarily hopes to be able to do his work till he attains his fifty-fifth year. The mover of the resolution steps in to say that, though the Service Regulations would allow him to continue in service till his fifty-fifth year, for the sin of his being a foreigner, the Service Regulations should not apply to him. It will be a different matter if the foreigner came into our service knowing that this curious development may take place. Not knowing these tendencies, a foreigner enters into our service and he works his way steadily on. He should not be suddenly penalised. The fact that some people are not doing as much as they can is a different matter, because, whether the offender is a foreigner or a Travancorean, a man who does not do his duty cannot command our sympathy. I am only speaking of the honest man, the man of character, the man of capacity, the man of diligence. If such a man is asked to go away all at once for the sin of his being a foreigner, we shall be legislating in a manner that no civilised State has ever legislated. Foreigners are in the employ of all Governments. This reminds me of a proposal made by a prominent leader of the Congress some years ago that the debts which had been contracted by the Indian Government will not bind the people of India and that they shall not be repaid. Sir, these arguments are good only for platforms. They do not appeal to our intelligence. I am instancing this because, when feelings are high, when the ebullition of patriotism is very intense, these small things about true national honour and true national morality may sometimes fail to attract people's attention. It is because of that general infirmity of the human mind that in the desire to effect a reformation in a reasonable manner these crevices are forgotten; it is because of that human forgetfulness that I thought I must stand up and oppose the resolution. I am definitely against sending away any of the people in the Government service unless they are incapacitated by any disease or unless they are superannuated or otherwise rendered unfit. If any of these people who are foreigners behave improperly, I am for punishing them as much as I would punish any Travancorean offender. I have chosen to speak because the cause of Travancore is very dear to me as it is to all of us. And if we pass this resolution it will open the eyes of the whole Indian world to our want of sobriety. It will generate the conviction that we are passing this kind of resolution in an

[Mr. K. Paramesvaran Pillai.]

absolutely irresponsible and unpatriotic manner. I think my friend Mr. Paramesvaran Pillai wants but to discuss the principle of appointment of foreigners and that he has tabled this resolution only with that purpose. Knowing Mr. Paramesvaran Pillai for so many years I cannot persuade myself into the belief that he means that this resolution should be carried in its present form. That also strengthens my view that the resolution should not be adopted by this Council.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I wish to ask a question. Mr. Velu Pillai told us that the total amount of money received by Travancoreans employed outside is much greater than what is received by outsiders employed in Travancore. I wish to know whether it is merely a matter of opinion or whether it is based upon facts.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): It is a matter of opinion to some extent and it is based on sufficient facts. I know any number of people who are well paid and our salaries are very much poorer when compared to their salaries.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I wish to know the facts on which he has based his opinion.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I take full responsibility for the statement that I have made. I remember a number of people who are in foreign service and I think that my view is right.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, Mr. George has conceded that the policy of Government is, or at any rate the Government have decided, not to import foreigners hereafter and that according to the Service Regulations there are only two classes of people who are given employment in Travancore, namely, those who are born in Travancore and those who are domiciled in Travancore. I am glad so far as the assurance goes, namely, that the policy of the Government is not to import foreigners in the future.

PRESIDENT: That has been the policy during all these years.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Now, in regard to this matter, all that I wish to point out is that the definition of the word "domicile" is wide enough to include any kind of foreigner that may reside here even for purposes of education. The law recognises only two kinds of domiciles, the domicile of origin and the domicile of choice. The domicile of origin is the place where a man is born and the domicile of choice is that which he makes his permanent home. So far as his domicile of origin is concerned, there is no difficulty. In regard to the domicile of choice—according to the Service Regulations—there is a great difficulty to determine that question because the determining factor is the intention of a man to reside permanently in the place.

MR. K. GEORGE (*Financial Secretary to Government*): That is domicile of choice.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Yes. As Mr. George has told us, I do not know whether Government have made any rules in regard to this declaration. From what Mr. George has told us, I take it that the Government get a kind of declaration from those employed here to the effect that they intend to make Travancore their permanent home.

PRESIDENT: That is the present rule.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That, I submit, will not satisfy the requirements of the people because when a man wants to obtain an employment it is not difficult to satisfy his conscience so far as to make a declaration that he intends to make Travancore his home without the least intention of doing so.

PRESIDENT: That is why residential qualification is added.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Five years' residence Sir, I beg to submit, is not sufficient because men from foreign places may come and wait in Travancore for more years to get an employment. So, men who come to Travancore with the intention of getting an employment in Travancore service should come and wait here for at least ten years and more.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I ask my friend whether there is no such thing as naturalisation elsewhere?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is all for the purposes of political rights.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I point out that such a thing exists even in employment?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): With regard to employment each country must lay down rules for its guidance according to the conditions existing there. We must not take England for our example because foreigners go there for purposes other than employment. There is no danger of immigration in that country. The House will observe as to what rules are made in regard to immigration in Canada, and other places. There, rules are very strict in the matter of immigration. In England it is quite a different matter. It is not a country where people will colonise nor would it be easy for people to get employment there.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): What about British India?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Conditions may be different.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I ask whether facility for political right is not far more important than facility for employment?

[Mr. K. Paramesvaran Pillai.]

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It may be so. I have no objection to extend political rights to these people provided they do not want employment. It appears to me that they may be allowed to stand for election to the Legislative Council or the Assembly or even to sit in the Council. Therefore what I would suggest is that domicile should not make a man eligible for Government service. But Government service should be restricted to those who are born subjects of Her Highness the Maharani Regent. A man should not be allowed to have claim for appointment simply because he has been staying in Travancore for a good number of years. In that case his children may be entitled to employment. If that is done, probably, we may be able to exclude a number of foreigners who come and join service in the country by the present law of domicile by which a man is eligible for service provided he resides here for the previous 5 years.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I ask whether the children of Travancoreans now employed in the British service and born in British India, whether in their case you consider them eligible for appointment in Travancore?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Yes, certainly. If they are born subjects of His Highness the Maharaja, they should be eligible.

PRESIDENT: Anyhow that matter can be developed in the next resolution. Mr. George referred to it incidentally.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Now coming to the resolution, the arguments advanced against it are the following. In the first place, it is unfair to the officers. Secondly, there are financial considerations to deter us from proceeding; and thirdly, there is the fear of retaliation from other Governments, where Travancoreans are already employed. Now in so far as unfairness to officers is concerned, I concede that there is a certain amount of unfairness in asking officers to compulsorily retire after 25 years' service because some of them entered our service at our invitation and they expected all the benefits which they are entitled to in Travancore State. Therefore to some extent it will be unfair. I recognise that. But there are also a very large number of foreigners who have come to Travancore without any invitation and without any need for their service here. Therefore we must set off one against the other. Secondly --

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is something like vicarious punishment then. Is it Mr. Paramesvaran Pillai's principle that because B is to be benefited A should be sent away?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is not what I submit; but I am laying down the policy underlying all these matters. Secondly, taking into consideration the large number of boys who are in search of employment and who are unable to get it on account of foreigners in service, I say, the inconvenience and

unfairness to foreigners already in service, may be set off against the starvation of an equally good number of our boys in Travancore. I would consider their retirement as a lesser evil than starvation of our boys here. Now financial considerations, no doubt, present a difficulty as Mr. Hoogewerf has told us. There is the fact that in compelling retirement at the completion of 25 years of service we incur the expense of giving them a pension when we might have utilised their services for a longer period. To that extent we lose; but we also gain in as much as some of our boys get a chance of employment. Then with regard to retaliation, it appears to me, Sir, that in the absence of any statistical data for the position that a larger number of Travancoreans are employed outside than outsiders in Travancore or that a larger amount of money is obtained by Travancoreans employed outside in the shape of salary, I am not prepared to accept the position that there are a larger number of Travancoreans employed outside than outsiders in Travancore.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): Are you in a position to say that there are a less number of Travancoreans employed outside Travancore than there are outsiders in Travancore?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I am not in a position to say whether there are more Travancoreans or a less number of Travancoreans.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know whether he is in a position to tell the House as to how many foreigners there are in Travancore service now who draw more than 300 rupees?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Perhaps a dozen or fifteen. Therefore, we cannot draw any comparison, and probably if we are able to enforce this resolution, we may be able to compensate those who are employed outside. Mr. George told us that, according to the Civil Service Regulations, Government have not got power to retire a person simply because he has put in 25 years of service and that there must be other reasons for compulsorily retiring him. After all, the Civil Service Regulation is only an executive order which may at any time be amended by Government so long as there is no covenant between those officers and Government. I think there is absolutely no difficulty in accepting the resolution. As I have already submitted, I do not want to be more unfair to these officers than is absolutely necessary. They will have earned their pension and that will be adequate compensation for compulsorily retiring them. I think these are the only reasons given for taking the opposite view and I think they are not sufficiently strong to prevail against my reasons.

MR. K. GEORGE (*Financial Secretary to Government*): My first point was that the Civil Service Regulations do not make a provision for retiring officers compulsorily at the end of 25 years of their service. About that Mr. Paramesvaran Pillai said that Government can exercise their power and make a rule to that effect. I would draw his attention

[Mr. K. George.]

to the second rule of the Civil Service Regulations which defines the extent to which these rules now made would be made applicable to officers who are in service.

"The following rights have been reserved by the Government for carrying out any administrative measure or change that may be considered necessary in the interests of the State generally, and will be exercised with due care and consideration for the interests of its service. Individual cases of hardship arising out of any change of rule will be dealt with, each on its own merits".

That cuts at the root of the contention that we can make any rule and apply it in any manner we like to the officers who are already serving the State.

MR. T. KUMARA PILLAI (*Eraniel cum Vilarancode*): ഇങ്ങനെ ഒന്നോ രണ്ടോ ആളുകളുടെ ആവശ്യത്തിനുവേണ്ടിയാണോ "Domicile" എന്ന പദത്തിനു വേറെ വ്യാഖ്യാനംകൂടി ചേർത്തത്.

MR. K. GEORGE (*Financial Secretary to Government*): അങ്ങനെയാണോ എന്നറിഞ്ഞുകൂടാ.

When the rule that only subjects of His Highness the Maharaja of Travancore would be entertained was framed, the rule regarding domicile was simultaneously inserted on principle and I can point out that our present rule is the same as that existing in British India. Schedule under rule 75 (a) defines "domicile." I shall read the rule that is relevant to the discussion.

(1) "Any person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile". Even there, all that is required is a declaration to make British India permanent home.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know how many foreigners were made eligible for employment in Travancore public service during 1998 and 1999 and how many of them have been appointed?

MR. K. GEORGE (*Financial Secretary to Government*): I have no information. If the member wants, I can collect and give.

PRESIDENT: Can you not say roughly?

MR. K. GEORGE (*Financial Secretary to Government*): We have not got any check in that way. If any declaration is given, no sanction is necessary. If by circumstances such things are necessitated, Government have to take into consideration those points and then sanction has to be given. Therefore, the Service Regulations cannot be so amended and made applicable to those who are in service. So that contention cannot stand in the face of this. I do not suppose it is necessary to dilate on the question of domicile. The question of five years' residence in the case of a foreigner should be not for a temporary purpose but with the intention of making it a permanent home.

Then as regards the question of unfairness; Mr. Paramesvaran Pillai, has himself admitted that there is some amount of unfairness. I say, there is a good deal of unfairness, not some amount of it because the unfairness is in two ways. First of all, you send away a man when he has a right to remain here. That is an invasion against his right. Secondly, you are discriminating between a son of the soil and a foreigner who are in this country—for no reason whatever. They have entered service and at a later stage you ask the foreigner to go away when a Travancorean is available. Such a thing is certainly most unfair. Any Government with a sense of responsibility, equity, justice, and fairplay cannot play fast and loose with questions of justice. Then again, is it not unfair to the officers, when they are young and when they have discharged their work properly, to ask them to go away? To say that a foreigner stands on a different footing from a son of the soil and thereby disband him, is extremely unfair. And as I said, a Government which has any consideration for its fair name or any sense of justice to its servants cannot afford to make such an invidious distinction in the matter of service. What is this unfairness to be perpetrated for? Is it for providing employment for graduates who are starving? I may say first of all that not even a little amount of unfairness can be shown to the foreigners. Government should conduct its affairs only on justice and equity. That is righteousness and fair dealing. I do not think that Government should in any way depart from what is right simply because there is inconvenience. After all, those who have put in 25 years of service are only a small number. So then, you can only put in a very small percentage of graduates in their place. In this way, how far you are going to stop starvation of these graduates passes beyond my comprehension. Why should you take the case of a foreigner who has put in 25 years of service? Even among Travancoreans there are a good number. If you want this rule to be adopted, you may apply it in regard to them also. It is good that these Travancoreans are replaced by these graduates, starving graduates as the member put it. I do not see any reason why you should apply that rule in the case of foreigners who have put in 25 years of service and not on Travancoreans. A good number is available who have already completed 25 years of service. If you think that you can replace foreigners who have already put in 25 years of service by these graduates, you can as well replace them among yourselves. Why should we make such an invidious distinction between a foreigner who has put in 25 years of service and a Travancorean who has put in 25 years of service.

Further, Mr. Paramesvaran Pillai treated lightly the question of expediency. He doubted whether there was a large number of Travancoreans in British service as well as in other service. I have no statistics but I have some impression of the number of non-Travancoreans in Travancore. As the Financial Secretary, I have got a general impression and I can assure the House that that number is after all very few. As an instance, in my own office I have got about 140 men, and I believe there are not more than three or four non-Travancoreans who are in service and who are entertained here for special

[Mr. Tariatu Kunjitomman.]

reasons as explained before. I understand that the same is the case in other departments also.

MR. N. KUMARAN (*Nominated*): In the Education department?

MR. K. GEORGE (*Financial Secretary to Government*): Even there, I do not believe that the proportion of non-Travancoreans is so large as we seem to think. Even if all the non-Travancoreans or foreigners are thrown out, what are the posts that become available for Travancoreans, I cannot for a moment see. On the other hand, let us take the number of Travancoreans who are in British Service. They are a multitude. There are a good many, even in Upper India, Burma and in almost all the Provinces. Even in the Madras Presidency, you can get plenty of Travancoreans and you all know them. Mr. T. K. Velu Pillai stated and stated rightly that there are a good number of Travancoreans in other places and a comparatively small number of non-Travancoreans in Travancore. Their pay also is very large. I can say without any hesitation that among Travancoreans there are officers who are getting Rs. 2,000 and Rs. 2,500 or up to that. The question of expediency is very important. It is only natural that we should cause no feeling in the outside world that we are not treating non-Travancoreans fairly. We should not give room for such unpleasant things. If British India retaliates, what will be the state of Travancoreans in those parts? Just imagine their lot. Just to provide employment for the unemployed, this is not the way to proceed. You cannot pass over this inconvenience. For all these reasons, I strongly oppose the resolution. I hope the House will agree in my views.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I do not press my resolution to a division.

The resolution was, by leave, withdrawn.

The following resolutions were not moved and were deemed to have been withdrawn:—

EXTENSION OF SERVICE.

MR. M. N. PILLAI (*Trivandrum*):

"This Council recommends to the Government that no officer of the superior grade in the public service be granted extension of service after the attainment of 55 years of age."

RECRUITMENT OF FOREIGNERS IN SERVICE.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*):

"This Council recommends to the Government that the rules regarding recruitment to service be so modified as to exclude all persons who are not born subjects of His Highness the Maharaja."

REMOVAL OF TEAK TREES FROM PRIVATE LANDS.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*):

"This Council recommends to the Government that, when Government fell teak timber from private lands, such timber be removed only after measuring out and handing over to the owners their half-share of such timber."